

**United States District Court**

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED CLERK  
U.S. DISTRICT COURT  
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TEXAS-EASTERN

CHARLES RAY SMITH

V.

TEXOMA MANAGEMENT, ET AL.

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§

BY \_\_\_\_\_  
CASE NO. 4:04CV421  
(Judge Brown/Judge Bush)

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On August 16, 2005, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendation that Defendants' motions to dismiss be granted and that the above titled and numbered cause of action be dismissed.

Plaintiff filed timely objections on August 23, 2005. Having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that Plaintiff's objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. The Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

**ORDERED, ADJUDGED and DECREED** that Defendants' motions to dismiss are GRANTED and the above titled and numbered cause of action is DISMISSED. It is further

**ORDERED** that all motions not previously ruled on are hereby DENIED.

SIGNED this 9<sup>th</sup> day of September, 2005.

  
PAUL BROWN  
UNITED STATES DISTRICT JUDGE